

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

RECEIVED

FEB 20 2001

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
05/274,752	03/23/99	GOETZL	E

A-67501/DJB/  
TECH CENTER 1600/2900

HM22/0110  
FLEHR HOHBACH TEST ALBRITTON & HERBERT  
FOUR EMBARCADERO CENTER  
SUITE 3400  
SAN FRANCISCO CA 94111-4187

EXAMINER	
HARRIS, A	
ART UNIT	PAPER NUMBER
1642	

DATE MAILED: 01/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

File A-67501 Atty DJB, TAL  
Due Date 2-10-2001  
Type Sequence Listing Refs -



UNITED STATES DEPARTMENT OF COMMERCE  
Pat nt and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
Alana M. Harris, Ph.D.	
ART UNIT	PAPER NUMBER
1642	11

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. The reply filed **October 26, 2000** is not fully responsive to the communication mailed **April 30, 2000** for the reason(s) set forth on the enclosed copy of the CRF Diskette Problem Report. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS**, from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a). Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.
2. Any inquiry concerning this communication should be directed to Examiner Alana M. Harris, Art Unit 1642, whose telephone number is (703)306-5880.
3. Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice to Comply.

Alana M. Harris, Ph.D.  
Patent Examiner  
Group 1642

  
ANTHONY C. CAPUTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600

## Interview Summary

Application No.

09/274,752

Applicant(s)

Goetzl And An

Examiner

Alana M. Harris, Ph. D.

Group Art Unit

1642



All participants (applicant, applicant's representative, PTO personnel):

(1) Alana M. Harris, Ph. D.

(3) \_\_\_\_\_

(2) Todd Lorenz

(4) \_\_\_\_\_

Date of Interview Oct 24, 2000Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:Agreement ☐ was reached. ☒ was not reached.

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The Examiner requested that Mr. Lorenz, Applicants' representative to resubmit a computer readable form of the sequence listing.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☐ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☐ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

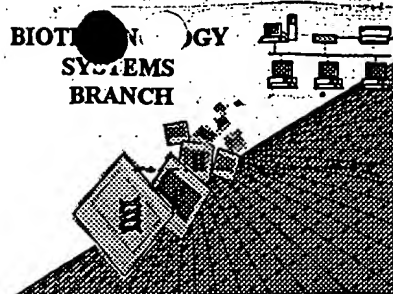
For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

*1/16/00*

## **RAW SEQUENCE LISTING** **ERROR REPORT**



#10

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

09/274,752B

Source:

1600

Date Processed by STIC:

11/16/2000

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

**FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.**

**FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.**

**PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**PATENTIN 3.0 e-mail help: [patin30help@uspto.gov](mailto:patin30help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:**

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

**Checker Version 3.0 can be down loaded from the USPTO website at the following address:**

**<http://www.uspto.gov/web/offices/pac/checker>**

Does Not Comply

09/22/95

Corrected Diskette

<110>  
<120>  
<140>  
<141>  
<160>

insert all  
mandatory  
identifiers and  
responses for a  
U.S. case

delete - not used in new Sequence Listing format

SEQUENCE LISTING

<210> 1  
☐  
<211> 382  
☐  
<212> PRT  
☐  
<213> Homo sapiens  
☐  
☐  
<400> 1

see sample Sequence Listing  
(attached) for valid format

Also, consult new Sequence  
Rules

FYT

Please review the

Sequence Listing to ensure that a corresponding explanation is presented in the <220> to <223> fields of each sequence which presents at least one n or Xaa.

<110> Smith, John

Smith, Jane

<120> Example of a Sequence Listing

<130> 01-00001

<140> US 08/999,999

<141> 1998-02-28

<150> EP 91000000

<151> 1997-12-31

*Please consult,*

<170> PatentIn ver. 2.0

<210> 1

<211> 403

<212> DNA

<213> Paramecium aurelia

<220>

<221> CDS

<222> 341..394

<300>

<301> Doc, Richard

<302> Isolation and Characterization of a Gene Encoding a

Protease from Paramecium sp.

<303> Journal of Fictional Genes



3006

3055

3065

3075

1988-06-20

&lt;400&gt; 1

ctactctact ctactctcat ctactatctt ctttggatct ctgagtctgc ctgagtggta 60

ctcttgagtc ctggagatct ctctctcac atgtgatcgt cgagactgac cgatagatcg 120

ctgactgact ctgagatagt cgagcccgta cgagaccggt cgagggtgac agagagtggg 180

cgcggtgcgcg cagagcgccg cgccggtgcg cgcgcgagtg cgcggtgggc cgcgcgaggg 240

ctttcgcggc agcggcggcg ctttcggcg cgcgcccgtc cgcccctaga cctgagaggt 300

cttctcttcc ctctcttcca ctagagaggt ctatatatac atg gtt tca atg ttc 355

Met Val Ser Met Phe

agc ttg tct ttc aaa tgg cct gga ttt tgt ttg ttt gtc tgtttgctc

403

Ser Leu Ser Phe Lys Trp Pr Gly Phe Cys Leu Phe Val

10

15

<210> 2

<211> 18

<212> PRT

<213> Paramaecium aurelia

<400> 2



Requirements for Applications: 09/23/99

agents and the following information by the following table. The numeric identifier shall be used only in the Sequence Listing. The order and presentation of the items of information in the Sequence Listing shall conform to the arrangement given below. Each item of information shall begin on a new line and shall begin with the numeric identifier enclosed in angle brackets as shown. The submission of those items of information designated with an "M" is mandatory. The submission of those items of information designated with an "O" is optional. Numeric identifiers <110> through <170> shall only be set forth at the beginning of the "Sequence Listing." The following table illustrates the numeric identifiers.

Numeric Identifier	Definition	Comments and Format	Mandatory (M) or Optional (O)
<110>	Applicant	Preferably max. of 10 names; one name per line; preferable format: Surname, Other Name, and/or Initials.	M
<120>	Title of Invention		M
<130>	File Reference	Personal file reference	M when filed prior to assignment of appl. number
<140>	Current Application Number	Specify as: US 07/999,999 or PCT/US96/99999	M, if available
<141>	Current Filing Date	Specify as: yyyy-mm-dd	M, if available
<150>	Prior Application Number	Specify as: US 07/999,999 or PCT/US96/99999	M, if applicable include priority documents under 35 USC 119 and 120
<151>	Prior Application Filing Date	Specify as: yyyy-mm-dd	M, if applicable
<160>	Number of SEQ ID NOs	Count includes total number of SEQ ID NOs	M
<170>	Software	Name of software used to create the Sequence Listing	O
<210>	SEQ ID NO:#:	Response shall be an integer representing the SEQ ID NO shown	M
<211>	Length	Respond with an integer expressing the number of bases or amino acid residues	M

<212>

Type

Whether presented as sequence molecule is DNA, RNA, or PRT (protein). If a nucleotide sequence contains both DNA and RNA fragments, the type shall be "DNA". In addition, the combined DNA/RNA molecule shall be further described in the <220> to <223> feature section.

<213>

Organism

Scientific name, i.e. Genus/species, Unknown or Artificial Sequence. In addition, the "Unknown" or "Artificial Sequence" organisms shall be further described in the <220> to <223> feature section.

M

<220>

Feature

Leave blank after <220>. <221-223> provide for a description of points of biological significance in the sequence.

M, under the following conditions: if "n," "Xaa," or a modified or unusual L-amino acid or modified base was used in a sequence; if ORGANISM is "Artificial Sequence" or "Unknown"; if molecule is combined DNA/RNA.

<221>

Name/Key

Provide appropriate identifier for feature, preferably from WIPO Standard ST.25 (1998), Appendix 2, Tables 5 and 6

M, under the following conditions: if "n," "Xaa," or a modified or unusual L-amino acid or modified base was used in a sequence

<222>

Location

Specify location within sequence; where appropriate state number of first and last bases/amino acids

M, under the following conditions: if "n," "Xaa," or a modified or unusual L-amino acid or modified

In feature

As used in

<223>

Other information

Other relevant information;  
four lines maximum

MP and the following conditions:  
if "n", "xaa", or  
a modified or unusual amino acid  
or modified base  
was used in a  
sequence; if  
ORGANISM  
is "Artificial  
Sequence" or  
"Unknown"; if a  
molecule is combined DNA/RNA.

<300>

Publication Information

Leave blank after <300>

0

<301>

Authors

Preferably max of ten named authors of publication; specify one name per line; preferable format: Surname, Other Names and/or Initials

0

<302>

Title

0

<303>

Journal

0

<304>

Volume

0

<305>

Issue

0

<306>

Pages

0

<307>

Date

Journal date on which data published; specify as yyyy-mm-dd, MMM-yyyy or Season-yyyy

0

<308>

Database Accession Number

Accession number assigned by database including database name

0

<309>

Database Entry Date

Date of entry in database; specify as yyyy-mm-dd or MMM-yyyy

0

<310>

Patent Document Number

Document number; for patent-type citations only. Specify as, for example, US 07/999,999

0

<312>

Patent Filing  
Date

Document filing  
date, for patent-  
type citations only;  
specify as yyyy-mm-dd

<313>

Publication Date

Document publication  
date, for  
patent-type  
citations only;  
specify as yyyy-mm-dd

<400>

Relevant  
Residues

FROM (position) TO (position)

Sequence

SEQ ID NO should  
follow the  
numeric identifier  
and should appear  
on the line pre-  
ceding the actual  
sequence

M

5. Section 1.824 is revised to read as follows:

1.824 Form and format for nucleotide and/or amino acid sequence submissions in computer readable form.

(a) The computer readable form required by 1.821(e) shall meet the following specifications:

(1) The computer readable form shall contain a single "Sequence Listing" as either a diskette, series of diskettes, or other permissible media outlined in paragraph (c) of this section.

(2) The "Sequence Listing" in paragraph (a) (1) of this section shall be submitted in American Standard Code for Information Interchange (ASCII) text. No other formats shall be allowed.

(3) The computer readable form may be created by any means, such as word processors, nucleotide/amino acid sequence editors or other custom computer programs; however, it shall conform to all specifications detailed in this section.

(4) File compression is acceptable when using diskette media, so long as the compressed file is in a self-extracting format that will decompress on one of the systems described in paragraph (b) of this section.

(5) Page numbering shall not appear within the computer readable form version of the "Sequence Listing" file.

(6) All computer readable forms shall have a label permanently affixed thereto on which has been hand-printed or typed: the name of the applicant, the title of the invention, the date on which the data were recorded on the computer readable form, the operating system used, a reference number, and an application serial number and filing date, if known.

(b) Computer readable form submissions must meet these format requirements:

(1) Computer: IBM PC/XT/AT, or compatibles, or Apple Macintosh;

(2) Operating System: MS-DOS, Unix or Macintosh;